IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

&

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

TUESDAY, THE 23RD JANUARY, 2007 /3RD MAGHA, 1928

WA.No. 1851 of 1999(A)

(AGAINST THE JUDGEMENT IN OP.2894/1993 Dated 27/07/1999)

APPELLANT/PETITIONER IN O.P.:

Thomas Varghese,
Kottackattu House,
Naranammoozhi.P.O.,
Ranni, Perinadu.

BY ADV. SRI.JIMMY GEORGE
SRI.TONY GEORGE

RESPONDENTS/RESPONDENTS IN THE O.P.:

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1. The Workmen's Compensation Commissioner,
Trivandrum.

2. Sri.Viswambaran, Vrindha Bhavanam,
Adichipuzha.P.O., Kacherithadam, Ranni. (Died)

3. State of Kerala, represented by the
Chief Secretary to Govt.,
Secretariat, Trivandrum.

Addl.R-4. Smt.Maniamma Viswambaran,
W/o.late Viswambaran,
Vrindhavanam House, Adichipuzha.P.O.,
Kacherithadam, Ranni.

R-5. Abilash, S/o.later Viswambaran, -do-.

Addl.R-6. Asha, D/o.late Viswambaran, -do-.

Addl.R4 to R6 is impleaded as legal heirs of the deceased second respondent vide order on I.A.No.2513 of 2004 dated 11.1.2005.

BY GOVERNMENT PLEADER SRI.T.B.HOOD.

BY ADV. SRI.A.N.RAJAN BABU

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 15/01/2007, THE COURT ON 23/01/2007 DELIVERED THE FOLLOWING:

V.K.BALI,C.J. & M. RAMACHANDRAN, J.

W.A.No. 1851 of 1999 A

Dated this the 23rd day of January, 2007.

J U D G M E N T

Ramachandran, J.

An employer had been proceeded against under the Workmen's Compensation Act and the ultimate decision had gone against him. He had chosen to file an original petition inter alia contending that there was no pronouncement of the order in the open court and his rights for taking up the matter by way of appeal consequently was jeopardised.

2. The learned Judge had gone in detail the contentions as above raised, but had found that there were laches on the part of the petitioner in receiving the certified copy, and therefore, it may not be sufficient reason for him to file a writ petition without resorting to the remedy of appeal. The order of the Commissioner is dated 28.1.1993. The writ petition was disposed of on 27.7.1999. Evidently, the appellant had not received appropriate advice as the remedy of appeal could not have been ignored for any

reasons. We find no error in the manner in which the issue has been considered and the writ petition had been disposed of.

The writ appeal is dismissed.

V.K.Bali
Chief Justice

M. Ramachandran
Judge

Mbs/

V.K.BALI, CJ &

M.RAMACHANDRAN, J.

W.A.NO.1851 OF 1999 A

J U D G M E N T

DATED: 23-01-2007